

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:19-CR-00013-KDB-DCK**

UNITED STATES OF AMERICA,

v.

DAVID ALEXANDER CULVER,

Defendant.

ORDER

THIS MATTER is before the Court on Defendant's *pro se* Motion for Compassionate Release pursuant to 18 U.S.C. § 3582(c)(1)(A). (Doc. No. 48). Defendant seeks compassionate release arguing he faces a heightened risk of contracting COVID-19 while incarcerated at Fort Dix FCI and that, due to his pre-existing medical conditions, he faces a heightened risk of a severe case of COVID-19 if he were to contract the virus.

Defendant received his first dose of the COVID-19 vaccine on March 11, 2021.¹ (Doc. No. 57). The CDC reports that vaccinations protect individuals from getting sick with COVID-19, *Myths and Facts about COVID-19 Vaccines*, CDC (Mar. 11, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/facts.html>, and “may also help keep you from getting seriously ill even if you do get COVID-19,” *Benefits of Getting a COVID-19 Vaccine*, CDC (Jan. 5, 2021) <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/vaccine-benefits.html>. The CDC also notes that vaccines currently available in the United States have been shown to be “highly effective” at preventing COVID-19. *Id.*

¹ A second dose of the vaccine is administered approximately three to four weeks after the first dose. Three weeks from the date of Defendant's first dose is April 1, 2021, which means Defendant should receive his second dose this week or sometime in the immediate future.

The vaccine addresses Defendant's concerns about contracting COVID-19 and his purported risk of severe illness should he contract the virus. Because Defendant's vaccination significantly mitigates the risk of contracting COVID-19, Defendant cannot establish an "extraordinary and compelling" reason for compassionate release based on his concerns about contracting the virus. As such, Defendant's Motion will be denied.

IT IS THEREFORE ORDERED that Defendant's Motion for Compassionate Release pursuant to 18 U.S.C. § 3582(c)(1)(A), (Doc. No. 48), is **DENIED**.

Signed: April 1, 2021

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

